

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
WEDNESDAY, SEPTEMBER 10, 2014

Committee of the Whole 7:30 P.M.
Stated Meeting 8:00 P.M.
City Council Chambers

TIME: 8:10PM

PRESENT: PRESIDENT OF THE COUNCIL
 LIAM J. MCLAUGHLIN

DISTRICT:

6	MAJORITY LEADER JOHN J. LARKIN
3	MINORITY LEADER MICHAEL R. SABATINO

COUNCIL MEMBERS:
DISTRICT:

1	CHRISTOPHER A. JOHNSON
2	CORAZON PINEDA
4	DENNIS E. SHEPHERD (ABSENT)
5	MICHAEL B. BREEN

Recitation of the Pledge of Allegiance to the Flag followed by a minute of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on June 24, 2014 and a special meeting held on August 4, 2014 approved on motion of Majority Leader Larkin.

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COMMUNICATIONS - GENERALLY

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COMMITTEE OF THE WHOLE

<u>NAME</u>	<u>ADDRESS</u>	<u>ITEM NO.</u>
LOUIS PICANI	TEAMSTERS LOCAL 456	
BARRY McGOEY	YONKERS FIREFIGHTERS	
RONNIE PARKER	CSEA 9169	
CAROLYN FLUCKINGER	FAMILY SERVICE SOCIETY	1A1
PAT POLAO	YONKERS TEACHERS	
ERICK DRONSACK	FIREFIGHTERS OFFICERS	
FRED SARKISO	YONKERS	12
ANDREA BROWN	YONKERS	A1
LEONA NELSON	YONKERS	A1
JOE AKALSKI	YONKERS	12
SANDRA LITTLE	YONKERS	A1
BETTYE MALONE	YONKERS	A1

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OLD BUSINESS

SPECIAL ORDINANCE

1. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA AND BREEN:

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
RESOLUTION OF THE CITY OF YONKERS, IN THE COUNTY OF
WESTCHESTER, NEW YORK, ADOPTED AUGUST 4, 2014 FOR
VARIOUS CAPITAL PROJECTS IN AND FOR THE CITY

WHEREAS, the City of Yonkers, in the County of Westchester,
New York (herein called the "City") has determined to undertake certain
capital projects and to acquire certain equipment, all as set forth in
Schedule I, at an estimated maximum cost of \$14,240,000 (collectively,
the "Project"); and

WHEREAS, the City Council of the City has reviewed the potential
environmental impacts associated with said Project;
Now, therefore

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF
WESTCHESTER, NEW YORK, HEREBY ORDAINS (by the favorable
vote of not less than two-thirds of all the members of said City Council) AS
FOLLOWS:

Section 1. The City Council of the City declares itself lead
agency, determines the proposed Project is a Type II Action pursuant to
the State Environmental Quality Review Act (SEQRA), constituting Article
8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations
Part 617.5 (C) and no further action is required.

Section 2. This ordinance shall take effect immediately.

THE ABOVE LEGISLATION WAS REFERRED TO BUDGET
COMMITTEE

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SPECIAL ORDINANCE

2. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

BOND ORDINANCE OF THE CITY OF YONKERS, NEW YORK AUTHORIZING FISCAL YEAR 2014/2015 FUNDING FOR VARIOUS CAPITAL PROJECTS INCLUDED IN THE CAPITAL BUDGET FOR THE CITY; STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$14,240,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$14,240,000 TO FINANCE SAID APPROPRIATION

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS: Section 1. The City of Yonkers, in the County of Westchester, New York (herein called the "City"), is hereby authorized to finance the cost of various capital projects as set forth in **column A** of **Schedule I**, attached hereto and made a part hereof, at the respective estimated maximum costs indicated in **column B** of **Schedule I**. The estimated total cost of such capital projects, including preliminary costs and costs incidental thereto and the financing thereof, is \$14,240,000 and said amount is hereby appropriated therefore pursuant to the duly adopted Capital Budget for fiscal year 2013/2014 of the City, as amended. The plan of financing includes the issuance of \$14,240,000 aggregate principal amount of bonds of the City and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of and interest on said bonds and notes as the same shall become due and payable. Any grant funds or other amounts received by the City from the United States of America and/or the State of New York or any other source with respect to the projects are hereby authorized to be expended towards the cost of the applicable objects or purposes or the redemption of any bonds or notes issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said bonds or notes.

Section 2. Bonds of the City in the respective principal amounts set forth in **column C** of the attached **Schedule I** are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting

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SPECIAL ORDINANCE (CONTINUED)

Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the appropriations for the objects or purposes set forth in **Schedule I**.

Section 3. The respective periods of probable usefulness for said objects or purposes for which said bonds are authorized to be issued, within the limitations of the applicable paragraphs under §11.00 a. of the Law, as set forth in **column D** of Schedule I, are set forth in **column E** of **Schedule I**.

Section 4. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 30.00, Section 50.00, Sections 56.00 to 60.00, and Section 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and all other powers or duties pertaining or incidental to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, and the power to enter into agreements for credit enhancement for said bonds and notes and to execute any arbitrage certification relative thereto, are hereby delegated to the Commissioner of Finance & Management Services of the City, as chief fiscal officer of the City.

Section 6. Pursuant to the provisions of Section 17 of the Special Local Finance and Budget Act of the City of Yonkers, constituting Chapters 488 and 489 of the Laws of 1976 of the State of New York (herein called the "Act"), the City is authorized and directed to include the following pledge and agreement of the State of New York (herein called

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SPECIAL ORDINANCE CONTINUED

the "State") contained in said Section 17 of the Act, in this ordinance, and

the Act provides that upon payment for the bonds or notes in anticipation of said bonds by the original and all subsequent holders thereof the inclusion of such pledge and agreement shall be deemed conclusive evidence of valuable consideration received by the State and City for such pledge and agreement and of reliance upon such pledge and agreement by any holder and that any action by the State contrary to or inconsistent with the provisions of such pledge and agreement shall be void:

"The state does hereby pledge to and agree with the holders of obligations of the city issued pursuant to the local finance law or this act that the state will not (a) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the power or duty of the city to exercise, perform, carry out and fulfill its responsibilities under this act to the extent that the city incorporates in any bond ordinance or credit agreement covenants and agreements to so exercise, perform, carry out and fulfill such responsibilities, (b) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the rights and remedies of any such holders to fully enforce in a court of law such covenants and agreements so incorporated in the bond ordinance or credit agreement or to enforce the pledge and agreement of the state contained in this section, or (c) otherwise exercise any sovereign power contrary to or inconsistent with the provisions of such bond ordinance or credit agreement, it being hereby determined and declared that the provisions of this act and the powers and duties of the city authorized and imposed hereunder are proper, reasonable and appropriate means by which the state can and should exercise and has exercised its duty under section twelve of article eight of the constitution to prevent abuses by the city in taxation and in the contracting of indebtedness and that the provisions hereof are necessary and in the public interest and proper means to improve market reception for the purchase of bonds and other obligations of the city; provided, however, the foregoing pledge and agreement shall be of no further force and effect if at any time (i) there is on deposit in a separate trust account with the fiscal agent sufficient moneys or direct obligations of the United States of America or the state the principal of and/or interest on which will provide moneys to pay punctually when due at maturity or prior to maturity by redemption in accordance with their terms all principal and interest on all such obligations of the city outstanding, (ii) irrevocable instructions from the state and city to the fiscal agent for such payment of such principal and interest with such moneys have been given, and (iii) notice to the holders of such obligation as provided in the bond ordinance or credit agreement

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SPECIAL ORDINANCE (CONTINUED)

has been given, and provided further that such pledge and agreement by the state may be temporarily suspended upon the declaration of martial

law in the city in the event of circumstances in the city deriving directly out of a natural disaster (such as an earthquake or major conflagration or flood but not a snowstorm) or civil disturbance (such as military invasion or civil insurrections but not strikes or crises created by financial abuses or economic events)."

Section 7. The validity of the bonds authorized by this ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in full or summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "THE JOURNAL NEWS," a newspaper published in Yonkers, New York, and in "YONKERS RISING", a newspaper published in Yonkers, New York, each having a general circulation in the City and hereby designated the official newspapers of said City for such publication.

THE ABOVE LEGISLATION WAS REFERRED TO BUDGET COMMITTEE

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SPECIAL ORDINANCE NO.26-2014

3. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA AND BREEN:

A SPECIAL ORDINANCE AMENDING THE CITY OF YONKERS CAPITAL BUDGET FOR FISCAL YEAR 2014/2015 BY INCREASING THE CAPITAL BUDGET BY \$50,940,000 FROM \$48,733,500 TO \$99,673,500.

The City of Yonkers hereby ordains and enacts:

Section 1: The City of Yonkers Capital Budget is amended by increasing/decreasing authorizations as follows:

<u>Department/Project</u>	<u>Original Authorization</u>	<u>Increase/ (Decrease) Authorization</u>	<u>Total Authorization</u>
<u>ENGINEERING</u>			
Citywide Highway Improvements (Resurfacing)	\$ 1,000,000	\$ 3,000,000	\$ 4,000,000
Government Center Parking Garage Rehabilitation	280,000	58,000	338,000
Grassy Sprain Dam Remediation	-	1,000,000	1,000,000
Sanitary/Storm Sewer Improvements	1,000,000	1,000,000	2,000,000
Traffic Signal Replacement	360,000	370,000	730,000
<u>FIRE DEPARTMENT</u>			
Self Contained Breathing Apparatus	\$ 87,500	\$ 75,000	\$ 162,500
Firefighter Gear	400,000	(400,000)	-
Firefighting Gear and Equipment	-	1,100,000	1,100,000
Firefighting Apparatus and Vehicles	1,400,000	800,000	2,200,000
<u>HOUSING AND BUILDING</u>			
Demolition Services	\$ 300,000	\$ 150,000	\$ 450,000
<u>INFORMATION TECHNOLOGY</u>			
MIS Hardware and Software	\$ 1,000,000	\$ 1,100,000	\$ 2,100,000

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<u>Department/Project</u>	<u>Original Authorization</u>	<u>Increase/ (Decrease) Authorization</u>	<u>Total Authorization</u>
New Data Center & Network Switch	-	1,600,000	1,600,000
Communications	400,000	600,000	1,000,000
<u>LIBRARY</u>			
Boiler Repair	\$ -	\$ 530,000	\$ 530,000
Will Auditorium Sound and Lighting	-	55,000	55,000
Computer Equipment	50,000	50,000	100,000
<u>OFFICE FOR THE AGING</u>			
Passenger Van	\$ 28,000	\$ 27,000	\$ 55,000
<u>PARKS</u>			
Playground Rubber Matting	\$ 100,000	\$ 60,000	\$ 160,000
General Park Rehab	2,630,000	1,170,000	3,800,000
Park Fencing	100,000	40,000	140,000
Tree Planting Citywide	50,000	50,000	100,000
COMMUNITY CENTER	-	1,000,000	1,000,000
<u>PLANNING AND DEVELOPMENT</u>			
Streetscapes	\$ 600,000	\$ 600,000	\$ 1,200,000
Building Remediation/Redevelopment	-	1,500,000	1,500,000
SMR Mill Street Courtyard Daylighting	675,000	1,000,000	1,675,000
Bronx River Parkway Pathway Extension	375,000	(375,000)	-
<u>POLICE DEPARTMENT</u>			
Police Vehicles	\$ 1,400,000	\$ 800,000	\$ 2,200,000
Computer Equipment	240,000	(240,000)	-
<u>PUBLIC WORKS</u>			
Curb and Sidewalk Repair	\$ 150,000	\$ 350,000	\$ 500,000
Public Stair Repair and Demolition	500,000	200,000	700,000
Fence and Guardrail Replacement	100,000	50,000	150,000
City Building Rehabilitation	560,000	1,440,000	2,000,000
City Hall Repairs	120,000	120,000	240,000
Cacace Justice Center Improvements	1,150,000	(1,150,000)	-
One Larkin Center Access Control	-	150,000	150,000
Remote Meter Reading	-	6,600,000	6,600,000
Water Works Improvements	-	1,310,000	1,310,000
Oil Storage Tank Remediation	-	350,000	350,000

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<u>Department/Project</u>	<u>Original Authorization</u>	<u>Increase/ (Decrease) Authorization</u>	<u>Total Authorization</u>
Vehicle Replacement	3,000,000	800,000	3,800,000

YONKERS PUBLIC SCHOOLS

Construction and Improvement to various School Buildings and the sites thereof	\$	-	\$ 24,000,000	\$ 24,000,000
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\$ 50,940,000

Section 2: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 10, 2014 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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SPECIAL ORDINANCE NO.27-2014

4. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA AND BREEN:

STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA")
RESOLUTION OF THE CITY OF YONKERS, IN THE COUNTY OF
WESTCHESTER, NEW YORK, ADOPTED SEPTEMBER 10, 2014
FOR VARIOUS CAPITAL PROJECTS IN AND FOR THE CITY AND
THE BOARD OF EDUCATION

Recitals

WHEREAS, the City of Yonkers, in the County of Westchester, New York (herein called the "City") has determined to undertake certain capital projects and to acquire certain equipment for the City and/or on behalf of the Board of Education, all as set forth in Schedule I, at an estimated maximum cost of \$91,993,500(collectively, the "Projects"); and

WHEREAS, the City Council of the City of Yonkers has reviewed the potential environmental impacts associated with said Projects;
Now, therefore

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE
COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS (by the
favorable vote of not less than two-thirds of all the members of said City
Council) AS FOLLOWS:

Section 1. The City of Yonkers Department of Planning and Development("Planning") has advised that, based on its review, all of the capital projects set forth in Schedule I, with the exception of the Saw Mill River Mill Street Courtyard Daylighting Project (the "Daylighting") and the Department of Public Works Building Space Utilization: Butler Building Construction Project (the "Butler Building" and together with the Daylighting, the "Projects"), have been determined to be "Type II" actions under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR Part 617, which are actions determined not to have a significant effect on the environment and therefore do not require further environmental review. After review the City Council concurs with this conclusion.

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SPECIAL ORDINANCE NO.27-2014 (CONTINUED)

Section 2. Planning has further advised that, based on its review, the Daylighting capital project was classified as an "Unlisted" action under SEQRA. It should be noted this project was previously review and, as the proposed action is consistent with the previous review, no further environmental review is required at this time.

Section 3. Planning has advised that, based on its review, the Butler Building capital project is classified as an "Unlisted" action under SEQRA and a Short Environmental Assessment Form ("EAF") has been prepared by Planning, a copy of which has been annexed here.

Section 4. The City Council has analyzed the identified relevant areas of concern to determine if the Projects may have a significant impact on the environment. After review, the Council believes that the proposed actions will not have any significant impact on the environment and accordingly are issuing negative declarations by adoption hereof.

Section 5. The City Council declares itself lead agency with respect to the capital projects set forth in Schedule I, as no other agencies have any licensing, permitting or approval over any of the projects, and pursuant to SEQRA makes the determinations set forth in Schedule I with respect to all such capital projects.

Section 6. This Resolution shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 10, 2014 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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SPECIAL ORDINANCE NO.28-2014

5. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

BOND ORDINANCE OF THE CITY OF YONKERS, NEW YORK AUTHORIZING FUNDING FOR VARIOUS CAPITAL PROJECTS INCLUDED IN THE SCHOOLS FACILITIES MANAGEMENT PLAN FOR THE BOARD OF EDUCATION AND THE ACQUISITION OF BOOKS AND EQUIPMENT FOR USE BY THE BOARD OF EDUCATION; STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$28,855,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$28,855,000 TO FINANCE SAID APPROPRIATION

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

Section 1. The City of Yonkers, in the County of Westchester, New York (herein called the "City"), is hereby authorized to finance the cost of (i) various capital projects included in the School Facilities Management Plan of the Board of Education, as amended, and (ii) the acquisition of books and equipment for use by the Board of Education, as set forth in column A of Schedule I, attached hereto and made a part hereof, at the respective estimated maximum costs indicated in column B of Schedule I. The estimated total cost of such projects, including preliminary costs and costs incidental thereto and the financing thereof, is \$28,855,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$28,855,000 aggregate principal amount of bonds of the City and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of and interest on said bonds and notes as the same shall become due and payable. Any grant funds or other amounts received by the Board of Education from the United States of America and/or the State of New York or any other source with respect to the projects are hereby authorized to be expended towards the cost of the applicable objects or purposes or the redemption of any bonds or notes issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said bonds or notes.

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SPECIAL ORDINANCE NO.28-2014 (CONTINUED)

Section 2. Bonds of the City in the respective principal amounts set forth in column C of the attached Schedule I are hereby authorized to be issued, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the appropriations of the City for the objects or purposes set forth in Schedule I.

Section 3. The respective periods of probable usefulness for said objects or purposes for which said bonds are authorized to be issued, within the limitations of the applicable paragraphs under §11.00 a. of the Law, as set forth in column D of Schedule I, are set forth in column E of Schedule I.

Section 4. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 30.00, Section 50.00, Sections 56.00 to 60.00, and Section 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and all other powers or duties pertaining or incidental to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, and the power to enter into agreements for credit enhancement for said bonds and notes and to execute any arbitrage certification relative thereto, are hereby delegated to the Commissioner of Finance & Management Services of the City, as chief fiscal officer of the City.

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SPECIAL ORDINANCE NO.28-2014 (CONTINUED)

Section 6. Pursuant to the provisions of Section 17 of the Special Local Finance and Budget Act of the City of Yonkers, constituting Chapters 488 and 489 of the Laws of 1976 of the State of New York (herein called the "Act"), the City is authorized and directed to include the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 17 of the Act, in this ordinance, and the Act provides that upon payment for the bonds or notes in anticipation of said bonds by the original and all subsequent holders thereof the inclusion of such pledge and agreement shall be deemed conclusive evidence of valuable consideration received by the State and City for such pledge and agreement and of reliance upon such pledge and agreement by any holder and that any action by the State contrary to or inconsistent with the provisions of such pledge and agreement shall be void:

"The state does hereby pledge to and agree with the holders of obligations of the city issued pursuant to the local finance law or this act that the state will not (a) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the power or duty of the city to exercise, perform, carry out and fulfill its responsibilities under this act to the extent that the city incorporates in any bond ordinance or credit agreement covenants and agreements to so exercise, perform, carry out and fulfill such responsibilities, (b) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the rights and remedies of any such holders to fully enforce in a court of law such covenants and agreements so incorporated in the bond ordinance or credit agreement or to enforce the pledge and agreement of the state contained in this section, or (c) otherwise exercise any sovereign power contrary to or inconsistent with the provisions of such bond ordinance or credit agreement, it being hereby determined and declared that the provisions of this act and the powers and duties of the city authorized and imposed hereunder are proper, reasonable and appropriate means by which the state can and should exercise and has exercised its duty under section twelve of article eight of the constitution to prevent abuses by the city in taxation and in the contracting of indebtedness and that the provisions hereof are necessary and in the public interest and proper means to improve market reception for the purchase of bonds and other obligations of the city; provided, however, the foregoing pledge and agreement shall be of no further force and effect if at any time (i) there is on deposit in a separate trust account with the fiscal agent sufficient moneys or direct obligations of the United States of America or the state the principal of and/or interest on which will provide moneys to pay punctually when due at maturity or prior to maturity by redemption in accordance with their terms all principal and interest on all such obligations of the city outstanding, (ii) irrevocable instructions from the

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state and city to the fiscal agent for such payment of such principal and interest with such moneys have been given, and (iii) notice to the holders of such obligation as provided in the bond ordinance or credit agreement has been given, and provided further that such pledge and agreement by the state may be temporarily suspended upon the declaration of martial law in the city in the event of circumstances in the city deriving directly out of a natural disaster (such as an earthquake or major conflagration or flood but not a snowstorm) or civil disturbance (such as military invasion or civil insurrections but not strikes or crises created by financial abuses or economic events)."

Section 7. The validity of the bonds authorized by this ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

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Section 8. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in full or summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "THE JOURNAL NEWS," a newspaper published in Yonkers, New York, and in "YONKERS RISING", a newspaper published in Yonkers, New York, each having a general circulation in the City and hereby designated the official newspapers of said City for such publication.

The adoption of the foregoing ordinance was seconded by _____ and duly put to a vote on roll call, which resulted as follows:

AYES:

NAYS:

Absent:

The ordinance was declared adopted.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 10, 2014 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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SPECIAL ORDINANCE NO.29-2014

6. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

BOND ORDINANCE OF THE CITY OF YONKERS, NEW YORK AUTHORIZING FUNDING FOR VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2014-2015 CAPITAL BUDGET OF THE CITY, AS AMENDED; STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$63,138,500; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$63,138,500 TO FINANCE SAID APPROPRIATION

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

Section 1. The City of Yonkers, in the County of Westchester, New York (herein called the "City"), is hereby authorized to finance the cost of various capital projects as set forth in column A of Schedule I, attached hereto and made a part hereof, at the respective estimated maximum costs indicated in column B of Schedule I. The estimated total cost of such capital projects, including preliminary costs and costs incidental thereto and the financing thereof, is \$63,138,500 and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget for fiscal year 2014-2015 of the City, as amended. The plan of financing includes the issuance of \$63,138,500 aggregate principal amount of bonds of the City and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of and interest on said bonds and notes as the same shall become due and payable. Any grant funds or other amounts received by the City from the United States of America and/or the State of New York or any other source with respect to the projects are hereby authorized to be expended towards the cost of the applicable objects or purposes or the redemption of any bonds or notes issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said bonds or notes.

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SPECIAL ORDINANCE NO.29-2014 (CONTINUED)

Section 2. Bonds of the City in the respective principal amounts set forth in column C of the attached Schedule I are hereby authorized to be

issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the appropriations for the objects or purposes set forth in Schedule I.

Section 3. The respective periods of probable usefulness for said objects or purposes for which said bonds are authorized to be issued, within the limitations of the applicable paragraphs under §11.00 a. of the Law, as set forth in column D of Schedule I, are set forth in column E of Schedule I.

Section 4. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 30.00, Section 50.00, Sections 56.00 to 60.00, and Section 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and all other powers or duties pertaining or incidental to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, and the power to enter into agreements for credit enhancement for said bonds and notes and to execute any arbitrage certification relative thereto, are hereby delegated to the Commissioner of Finance & Management Services of the City, as chief fiscal officer of the City.

Section 6. Pursuant to the provisions of Section 17 of the Special Local Finance and Budget Act of the City of Yonkers, constituting

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Chapters 488 and 489 of the Laws of 1976 of the State of New York (herein called the "Act"), the City is authorized and directed to include the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 17 of the Act, in this ordinance, and the Act provides that upon payment for the bonds or notes in anticipation of said bonds by the original and all subsequent holders thereof the inclusion of such pledge and agreement shall be deemed conclusive evidence of valuable consideration received by the State and City for such pledge and agreement and of reliance upon such pledge and agreement by any holder and that any action by the State contrary to or inconsistent with the provisions of such pledge and agreement shall be void:

"The state does hereby pledge to and agree with the holders of obligations of the city issued pursuant to the local finance law or this act that the state will not (a) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the power or duty of the city to exercise, perform, carry out and fulfill its responsibilities under this act to the extent that the city incorporates in any bond ordinance or credit agreement covenants and agreements to so exercise, perform, carry out and fulfill such responsibilities, (b) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the rights and remedies of any such holders to fully enforce in a court of law such covenants and agreements so incorporated in the bond ordinance or credit agreement or to enforce the pledge and agreement of the state contained in this section, or (c) otherwise exercise any sovereign power contrary to or inconsistent with the provisions of such bond ordinance or credit agreement, it being hereby determined and declared that the provisions of this act and the powers and duties of the city authorized and imposed hereunder are proper, reasonable and appropriate means by which the state can and should exercise and has exercised its duty under section twelve of article eight of the constitution to prevent abuses by the city in taxation and in the contracting of indebtedness and that the provisions hereof are necessary and in the public interest and proper means to improve market reception for the purchase of bonds and other obligations of the city; provided, however, the foregoing pledge and agreement shall be of no further force and effect if at any time (i) there is on deposit in a separate trust account with the fiscal agent sufficient moneys or direct obligations of the United States of America or the state the principal of and/or interest on which will provide moneys to pay punctually when due at maturity or prior to maturity by redemption in accordance with their terms all principal and interest on all such obligations of the city outstanding, (ii) irrevocable instructions from the state and city to the fiscal agent for such payment of such principal and interest with such moneys have been given, and (iii) notice to the holders

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of such obligation as provided in the bond ordinance or credit agreement has been given, and provided further that such pledge and agreement by

the state may be temporarily suspended upon the declaration of martial law in the city in the event of circumstances in the city deriving directly out of a natural disaster (such as an earthquake or major conflagration or flood but not a snowstorm) or civil disturbance (such as military invasion or civil insurrections but not strikes or crises created by financial abuses or economic events)."

Section 7. The validity of the bonds authorized by this ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in full or summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "THE JOURNAL NEWS," a newspaper published in Yonkers, New York, and in "YONKERS RISING", a newspaper published in Yonkers, New York, each having a general circulation in the City and hereby designated the official newspapers of said City for such publication.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 10, 2014 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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SPECIAL ORDINANCE NO.30-2014

7. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

REFUNDING BOND ORDINANCE OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, ADOPTED SEPTEMBER 10, 2014, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF THE CITY'S OUTSTANDING GENERAL OBLIGATION SERIAL BONDS-2006-A; SCHOOL SERIAL BONDS-2006-B; GENERAL OBLIGATION SERIAL BONDS-2007-A, AND SCHOOL SERIAL BONDS-2007-B, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$67,500,000 THEREFOR, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$67,500,000 REFUNDING BONDS TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO

Recitals

WHEREAS, the City of Yonkers, in the County of Westchester, New York (herein called the "City"), has heretofore issued on March 29, 2006, its General Obligation Bonds - 2006-A, including the term bond maturing on September 1, 2031 (herein called the "2006-A Bonds"), now outstanding in the principal amount of \$35,230,000; on March 29, 2006 its School Serial Bonds- 2006-B (herein called the "2006-B Bonds"), now outstanding in the principal amount of \$4,800,000; on May 1, 2007 its General Obligation Bonds - 2007-A (herein called the "2007-A Bonds"), now outstanding in the principal amount of \$20,580,000; and on May 1, 2007 its School Serial Bonds- 2007-B, including the term bond maturing on May 1, 2018 (herein called the "2007-B Bonds"), now outstanding in the principal amount of \$11,850,000; such bonds maturing and bearing interest at the rates and on the dates, and being subject to prior redemption as set forth in each such respective bond; and

WHEREAS, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), permits the City to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the City;

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Now, therefore

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

In this ordinance the following definitions apply, unless a different meaning clearly appears from the context:

"Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the outstanding 2006-A Bonds, 2006-B Bonds, 2007-A Bonds, and 2007-B Bonds of the City of Yonkers, in the County of Westchester, New York.

"Escrow Contract" means the contract to be entered into by and between the City and the Escrow Holder pursuant to Section 10 hereof.

"Escrow Holder" means the bank or trust company designated as such pursuant to Section 10 hereof.

"Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds, excluding all principal and interest payments to be made on the Refunding Bonds from income received as a result of the investment of the proceeds from the sale of the Refunding Bonds, and deducting therefrom all costs and expenses incidental to the issuance of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest.

"Redemption Date(s)" means, as applicable and subject to any notice provisions set forth in the Bonds to be Refunded: September 1, 2016 and any date thereafter for the 2006-A Bonds and the 2006-B Bonds and May 1, 2017 and any date thereafter for the 2007-A Bonds and the 2007-B Bonds.

"Refunding Bond" or "Refunding Bonds" means a portion or all of the \$67,500,000 General Obligation Refunding Bonds-2014 (or a substantially similar designation) of the City of Yonkers, authorized pursuant to Section 2 hereof.

"Refunding Bond Amount Limitation" means an amount of Refunding Bonds sufficient to pay the sum of the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on

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such Bonds To Be Refunded to and including the Redemption Date, plus redemption premiums payable on such Bonds To Be Refunded as of such Redemption Date, as hereinabove referred to in the Recitals hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 10 hereof. The City Council of the City (herein called the "City Council"), hereby authorizes the refunding of the Bonds To Be Refunded, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$67,500,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of Refunding Bonds in an aggregate principal amount not to exceed \$67,500,000 and the levy and collection of a tax upon all the taxable real property within the City to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the City in the maximum principal amount of \$67,500,000 and designated substantially as "GENERAL OBLIGATION REFUNDING BONDS- 2014," (or a substantially similar designation) are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding (the "refunding financial plan") prepared for the City by its financial advisor, Capital Markets Advisors LLC, in substantially the form attached hereto as Exhibit A and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 10 hereof, the payment of all costs incurred by the City in connection with said refunding from such proceeds, and the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay the principal amount, aggregate amount of unmatured interest payable, and redemption premium, if any, on the Bonds To Be Refunded to be called for redemption prior to maturity on the Redemption Date.

The Bonds To Be Refunded referred to in Section 1 hereof are the outstanding maturities of four (4) issues of bonds, each originally issued pursuant to various bond ordinances of the City, adopted on their respective dates and authorizing various capital improvements for the City and the Board of Education of the City. In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount not to exceed \$67,500,000 shall be allocated to the component issues of the Bonds To Be Refunded, and shall mature in amounts and at dates to be determined. The Commissioner of Finance and Management

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Services, the chief fiscal officer of the City, is hereby authorized to finalize and approve all details of the refunding financial plan not contained herein. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness ("PPU") of each project included in each issue comprising the Bonds to be Refunded, commencing at the date of issuance of said bonds or the first bond anticipation notes issued in anticipation of the sale of said bonds, is set forth in the table below:

2006-A Bonds

Special Ordinance No.	Project Description	Period of Probable Usefulness
61-2005	Reconstruction of Fire Houses	15
61-2005	Acquisition of Vehicles	20
61-2005	Acquisition of Equipment	5
61-2005	Emergency Sewer Repairs	15
61-2005	Water Buildings Repair	15
61-2005	Service Center Rehabilitation	15
61-2005	Sidewalk, Curbs and Steps Reconstruction	10
61-2005	Guard Rail Replacement	5
61-2005	Hydrant Replacement/Upgrade	15
61-2005	Meter Replacement Remote System	20
61-2005	Reconstruction of Water Lines	40
61-2005	Water Main Replacement	40
61-2005	Replacement of Water Valves	15
61-2005	Water Tower Repairs	40
61-2005	Sewer System Root Elimination	10
61-2005	Resurfacing	15
61-2005	Maintenance Equipment	5
61-2005	Vehicle Replacement	15
61-2005	Acquisition of Materials and Equipment	5
61-2005	Acquisition of Vehicles	3
61-2005	Library Facilities Rehabilitation	15
61-2005	Parks Resurfacing	15
61-2005	Parks Recreational Area Improvements	15
61-2005	Park Rehabilitation	15
61-2005	Park – Acquisitions of Vehicles	3
61-2005	Parks – Acquisitions of Equipment	5
61-2005	Partial Reconstruction of Museum	15
61-2005	Police – Acquisition of Vehicles	3
61-2005	Police - Acquisition of Equipment	5
61-2005	Police – Building Rehabilitation	15

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61-2005	Nodine Hill and Ravine Avenue Renewal	5
61-2005	Ashburton Avenue Urban Renewal	50
61-2005	Alexander Street Urban Renewal	50
61-2005	Valloy Urban Renewal	5
61-2005	Napperham River Bridge	20
61-2005	Esplanade Park Face II	5
61-2005	Main Street Turnaround	15
61-2005	Downtown Streetscapes	10
61-2005	Improvement to JFK Park and Downtown Marina	15
61-2005	Equipment Assessment	5
61-2005	War Monument Restoration	5
61-2005	Affordable Housing Subsidies	5
61-2005	MIS Hardware and Software	3
61-2005	Fuel Tank Replacement	10
23-2005	Sewer Remedial Program	40
23-2005	Sewer Remedial Program	40

2006-B Bonds

Special Ordinance No.	Project Description	Period of Probable Usefulness
61-2005	Improvements to School Buildings	25
61-2005	Equipment & Technology Improvements to City Schools	5

2007-A Bonds

Special Ordinance No.	Project Description	Period of Probable Usefulness
3-2007	Partial Reconstruction of Various Fire Houses	15
3-2007	Acquisition of Vehicles	20
3-2007	Acquisition of Equipment	20
3-2007	Emergency Sewer Repairs	10
3-2007	Rumsey/Spring Road Flooding	10
3-2007	Sidewalk, Curbs and Step Reconstruction	10
3-2007	Guard Rail Replacement	5
3-2007	Hydrant Replacements/Upgrade	15
3-2007	Meter Replacement Remote System	20
3-2007	Reconstruction of Water Lines	15
3-2007	North Broadway Water System Construction	15
3-2007	Replacement of Water Valves	15
3-2007	Water Tower Repairs	40

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3-2007	Improvement to the Water System Plant	30
3-2007	Expansion to Water Treatment Plant	5
3-2007	NYC Interconnection Project	5
3-2007	McLean Avenue Pipeline Reconstruction	5
3-2007	Resurfacing	15
3-2007	Lot Resurfacing	15
3-2007	Central Avenue Bridge Reconstruction	20
3-2007	Wall Reconstruction	5
3-2007	DPW Equipment	5
3-2007	Vehicle Replacement	15
3-2007	Acquisition of Material and Equipment	5
3-2007	Library Facilities Rehabilitation	15
3-2007	Park Rehabilitation	15
3-2007	Acquisition of Vehicle	3
3-2007	Partial Reconstruction of Museum	15
3-2007	Police - Acquisition of Vehicles	3
3-2007	Police - Acquisition of Equipment	5
3-2007	Public - Building Rehabilitation	15
3-2007	Police - Record Management System	5
3-2007	Developmental Waterfront Park	15
	Improvements (Settlements)	
3-2007	Waterfront Development JFK Marina Water Trail	15
3-2007	Waterfront Park/Infrastructure Imp.	15
3-2007	Equipment Assessment	5
3-2007	General Rehabilitation/Reconstruction	15
3-2007	Signal Improvements	20

2007-B Bonds

Special Ordinance No.	Project Description	Period of Probable Usefulness
3-2007	Improvement to School Buildings	25
3-2007	Equipment & Technology Improvements to City Schools	5

As set forth in Exhibit A, the projected aggregate amount of estimated Present Value Savings resulting from the refunding of all of the Bonds to be Refunded, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law, is approximately \$1,564,644.16.

(a) The Refunding Bonds may be sold at public or private sale. If the Refunding Bonds are sold at private sale, the Commissioner of Finance and Management Services, the chief fiscal officer of the City, is hereby authorized to execute a purchase contract on behalf of the City for the

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sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller.

(b) If the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the Commissioner of Finance and Management Services is hereby authorized and directed to prepare or have prepared a Notice of Sale, which shall be published in full or in summary at least once in (i) "THE BOND BUYER", published in the City of New York and/or (ii) the official newspaper(s) of the City having general circulation within said City, not less than five (5) nor more than thirty (30) days prior to the date of said sale. A copy of such notice shall be sent not less than eight (8) nor more than thirty (30) days prior to the date of said sale to (1) the State Comptroller, Albany, New York 12236; (2) at least two banks or trust companies having a place of business in the county in which the City is located, or, if only one bank is located in such county, then to such bank and to at least two banks or trust companies having a place of business in an adjoining county; (3) "THE BOND BUYER", 1 State Street Plaza, New York, New York 10004; and (4) at least 10 bond dealers.

(c) Prior to the issuance of the Refunding Bonds, the Commissioner of Finance and Management Services shall file with the City Council all requisite certifications, including a certificate approved by the State Comptroller setting forth the Present Value Savings to the City resulting from the issuance of the Refunding Bonds.

(d) In connection with the sale of the Refunding Bonds, the City hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale and, further, consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution.

(e) The Commissioner of Finance and Management Services is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the City in connection with said refunding, including the preparation of the refunding financial plan referred to in Section 2.

Each of the Refunding Bonds authorized by this ordinance shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the City payable as to both principal and interest by a general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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SPECIAL ORDINANCE NO.30-2014 (CONTINUED)

Subject to the provisions of this ordinance and of the Law, and pursuant to the provisions of Section 30.00, Section 50.00, Sections 90.10 and 90.10, Sections 56.00 to 60.00, and Section 168.00 of the Law, the powers and duties of the City Council relative to prescribing the terms, form and contents and all other powers or duties pertaining or incidental to the sale and issuance of the Refunding Bonds, and the power to enter into agreements for credit enhancement for the Refunding Bonds and to execute any arbitrage certification relative thereto, as well as to executing the Escrow Contract described in Section 10 and the Official Statement referred to in Section 6, are hereby delegated to the Commissioner of Finance and Management Services of the City.

The validity of the bonds authorized by this ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Prior to the issuance of the Refunding Bonds, the City shall contract with The Bank of New York Mellon, New York, New York (as agent for the Comptroller of the State of New York, in his capacity as fiscal agent of the City), a bank or trust company located and authorized to do business in this state, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions for the Escrow Holder without further authorization or direction from the City, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums, if any, to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the City the notice of redemption

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SPECIAL ORDINANCE NO.30-2014 (CONTINUED)

authorized to be given pursuant to Section 13 hereof, and (d) to invest the moneys held by it consistent with the provisions of the refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the City with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the City and shall be applied by the City only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof. Neither this ordinance, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the City Council hereby elects to call in and redeem all the Bonds To Be Refunded which are subject to prior redemption according to their terms on each applicable Redemption Date. The sum to be paid therefor on the Redemption Date shall be the par value thereof, the accrued interest to the Redemption Date and the redemption premium, if any, payable on the Bonds to be Refunded in accordance with their terms. The Escrow Holder is hereby authorized and directed to cause a notice of such call for redemption to be given in the name of the City, by publishing the notice of call for redemption in a financial newspaper published and circulated in the City of New York and

ANNOTATED AGENDA
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SPECIAL ORDINANCE NO.30-2014 (CONTINUED)

in the official newspaper or newspapers of the City or, if there be no official newspaper, then in any newspaper having general circulation therein, the first publication to be at least thirty and not more than sixty days prior to the Redemption Date or, in the case of registered bonds, by mailing such notice to the registered holder at least thirty and not more than sixty days prior to such Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded which are subject to prior redemption and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Notwithstanding anything herein to the contrary, following the issuance of any Refunding Bonds pursuant hereto, this ordinance shall be deemed repealed, except to the extent of the any indebtedness contracted. This refunding bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in full or summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "THE JOURNAL NEWS," a newspaper published in Yonkers, New York, and in "YONKERS RISING", a newspaper published in Yonkers, New York, each having a general circulation in the City and hereby designated the official newspapers of said City for such publication.

This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 10, 2014 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
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RESOLUTION NO.90-2014

8. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA AND BREEN:

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING CONVEYANCE OF A PORTION OF THE COTTAGE PLACE GARDENS HOUSING PROJECT BY THE MUNICIPAL HOUSING AUTHORITY FOR THE CITY OF YONKERS.

WHEREAS, the Municipal Housing for the City of Yonkers (the "Authority") is the owner of certain real property and improvements commonly known as the Cottage Place Gardens housing project, located at or near 1-13 Cottage Place Garden in the City of Yonkers, County of Westchester, New York, which currently consists of two hundred fifty six (256) residential units situated in fourteen (14) buildings (the "Overall Project"); and

WHEREAS, the physical condition of the Overall Project has dilapidated and deteriorated over time; and

WHEREAS, the Authority does not have sufficient resources available to remedy such dilapidation; and

WHEREAS, the Authority desires to redevelop a portion of the Overall Project, consisting of the demolition of two buildings containing in the aggregate thirty five (35) residential units located in 10 Cottage Place Gardens and 11 Cottage Place Gardens, and the new construction of fifty one (51) residential units (the "Project"), in order to provide the current residents and others with improved, safe, decent and affordable housing; and

WHEREAS, the infusion of private enterprise and private capital are essential components to such redevelopment and the continued success and long term viability of the Project; and

WHEREAS, the Authority has indicated that the transfer of a portion of the Overall Project by the Authority to a limited partnership, a housing development fund company or similar entity is necessary in order for the Project to obtain the benefits of low income housing tax credits and to otherwise accomplish the redevelopment of the Project; and

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RESOLUTION NO.90-2014 (CONTINUED)

WHEREAS, Section 58-b of the New York Public Housing Law authorizes the Authority to sell or lease the Overall Project, or a portion thereof, upon the satisfaction of certain conditions, including the approval of the City Council; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, New York, that the sale or lease by the Authority of a portion of the Overall Project, located at or near 10 Cottage Place Gardens and 11 Cottage Place Gardens as shall be determined by the Authority, to a limited partnership, a housing development fund company or a similar entity designated by the Authority is hereby authorized and approved, which sale or lease shall be upon such terms and conditions as the Authority may deem necessary or appropriate; and be it further

RESOLVED, that the Mayor of the City of Yonkers, or his designee, be and hereby is authorized and directed to take any and all actions and execute any and all documents or instruments that may be necessary or desirable to carry out the intent of the foregoing resolution; and be it further

RESOLVED, that this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 10, 2014 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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CITY COUNCIL OF THE CITY OF YONKERS
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RESOLUTION NO.91-2014

9. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA AND BREEN:

RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS
MEMORIALIZING GOVERNOR ANDREW M. CUOMO TO END GAP
ELIMINATION ADJUSTMENTS WHEN ADOPTING NEW YORK'S 2015-
16 STATE BUDGET

WHEREAS, the New York State Gap Elimination Adjustment, or GEA, was implemented in 2010 as what was then called a one-time reduction of State aid in order to help the State balance its budget; and

WHEREAS, every year thereafter, the State has continued to levy this reduction in school funding; in that time period, Albany has taken back over \$110 million from the City of Yonkers Public Schools; and

WHEREAS, the Council of the City of Yonkers has previously transmitted resolutions in 2014, 2011, 2009 and 2006 to the State of New York requesting that the inequities in the State education funding formula which affect the City of Yonkers be addressed that have gone unheeded; and

WHEREAS, when coupled with this unfair school funding formula, the GEA has created a situation where the City of Yonkers is no longer able to ensure equal access to a sound basic education for the students of this great City; and

WHEREAS, the City has been left with no other choice but to pursue litigation to overturn the GEA take-back of its school funding; it has recently moved to intervene in *New Yorkers for Students' Educational Rights (NYSER) v. the State of New York*, a lawsuit which seeks equitable school funding and the end of the GEA; and

WHEREAS, through the artificial \$2 billion surplus the State has created through budget gimmickry like the GEA, and the \$6 billion coming on to the books through legal settlements, the State has ample funding to end the GEA once and for all;

ANNOTATED AGENDA
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RESOLUTION NO.91-2014 (CONTINUED)

NOW THEREFORE, BE IT RESOLVED, that the City of Yonkers pause in its deliberations to memorialize Governor Andrew M. Cuomo to end Gap Elimination Adjustments when adopting New York's 2015-16 state budget;

AND BE IT FURTHER RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to Governor Andrew M. Cuomo.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 10, 2014 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

ANNOTATED AGENDA
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RESOLUTION NO.92-2014

10. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, AND BREEN:

**RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS
RENEWING THE PROFESSIONAL SERVICES CONTRACT TO
CONDUCT INDEPENDENT AUDITS**

WHEREAS, the City of Yonkers recognizes its pleasant past relationship with O'Connor Davies, LLP as auditor of the City's financial statements; and

WHEREAS, the City of Yonkers prefers to retain the services of O'Connor Davies, LLP as auditor for the City's June 30, 2015 and June 30, 2016 financial statements;

NOW THEREFORE, BE IT RESOLVED, that the City of Yonkers hereby renews the professional services contracts for O'Connor Davies, LLP situated at 500 Mamaroneck Avenue, Harrison, New York 10601 to conduct the annual independent audits of the City of Yonkers finances for the fiscal years ending June 30, 2015 and June 30, 2016; and under separate engagement to provide financial professional services to include the review of the proposed City budget for FY2014/15 and FY2015/16 and other analytical services as required commencing on January 1, 2014 through December 31, 2015;

AND BE IT FURTHER RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to O'Connor Davies, LLP and the Commissioner of Finance.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 10, 2014 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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RESOLUTION NO.93-2014

11. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA AND BREEN:

BE IT RESOLVED, that the following applicant(s) are hereby appointed and/or reappointed to the office of Commissioner of Deeds for a period of two years to expire on September 30, 2016

Norbert Chrostowski
464 McLean Avenue
Yonkers, New York 10704

Rink Maintenance

NEW

Daissy A. Pena
480 Riverdale Avenue
Yonkers, New York 10705

Legal Assistant

RENEWAL

Spiros Kokkoris
735 Palisade Avenue
Yonkers, New York 10703

Floral Designer

RENEWAL

Kathi McCarthy
1 Hawley Terrace Apt.1A
Yonkers, New York 10701

Assistant to Buildings Commissioner

RENEWAL

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CITY COUNCIL OF THE CITY OF YONKERS
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RESOLUTION NO.93-2014 (CONTINUED)

Janneyn Marie Poccia
1879 Crompond Road D7
Peekskill, NY

Assistant Housing Manager

NEW

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A
STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 10, 2014 BY
A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

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RESOLUTION NO.94-2014

12. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA AND BREEN:

RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS
EXPRESSING SOLIDARITY WITH THE NATION OF IRAQ AND ITS
INDIGENOUS CHRISTIAN POPULATION AND CONDEMNING THE
ISLAMIC STATE OF IRAQ AND SYRIA

WHEREAS, the Assyrians, the indigenous people of Mesopotamia including the area now known as Iraq, were among the first Christians in the First Century A.D.; and

WHEREAS, throughout history, the Assyrian and Iraqi Christians have generally enjoyed religious freedom in their homeland; and

WHEREAS, on October 19, 1933, following the merciless massacre of Assyrians and Iraqi Christians in Iraq, the Assyrian National Emergency Committee called its first general mass meeting in Yonkers; and

WHEREAS, Yonkers then became home to the first Assyrian American National Federation Committee, and has continuously been home to the local chapter of that organization; and

WHEREAS, in 1966, a groundbreaking ceremony took place in Yonkers to begin construction on one of the first Assyrian churches in the country, and the site remains home to the Mar Mari Assyrian Church to this day; and

WHEREAS, an integral part of the Yonkers mosaic, the Assyrian and Iraqi Christian community concerns itself with preserving its heritage and the land of its forefathers, wanting peace and prosperity for that region; and

WHEREAS, the Assyrian and Iraqi Christian Community in Yonkers, through its church, youth, cultural and philanthropic organizations has contributed in an extraordinary manner to all facets of life in our City, and most importantly, to the unique sense of community which exists in Yonkers; and

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RESOLUTION NO.94-2014 (CONTINUED)

WHEREAS, in defense of freedom, the United States authorized the use of military force against Iraq to effectuate the purposes of regime change, subsequently leading to the start of the Iraq War on March 19, 2003 and the hunt for Saddam Hussein; and

WHEREAS, on December 18, 2011, the last U.S. troops left Iraq, ending an 8 year war on terror and thereby restoring hope of religious freedom amongst the Assyrian and Iraqi Christian people; and

WHEREAS, in the years following the war, the Assyrians and Iraqi Christians have enjoyed a period relatively free from oppression and religious persecution while consistently striving to ensure democracy and prosperity for all of the country's citizens; and

WHEREAS, any semblance of peace, prosperity and religious freedom restored throughout Iraq after the Iraq War was fleeting; and

WHEREAS, on June 9, 2014, Mosul, Iraq's second largest city and home to thousands of Assyrian and Iraqi Christians, fell captive to the Islamic State of Iraq and Syria (ISIS); and

WHEREAS, ISIS seized control of government offices, police stations and the airport, forcing approximately 500,000 Assyrian and Iraqi Christians to flee their indigenous land; and

WHEREAS, all Assyrian and Iraqi Christians remaining in Iraq have been given three options; leaving their native land, converting to Islam, or death; and

WHEREAS, the violence has since intensified, and the barbaric, unspeakable acts of ISIS have driven out close to all of the Assyrian and Iraqi Christian population from the country; and

WHEREAS, ISIS has destroyed numerous churches and Christian institutions throughout Iraq, with all church services ceasing for the first time in sixteen hundred years; and

WHEREAS, Assyrian and Iraqi Christians now turn to neighboring lands seeking refuge from the genocide that is spreading like wildfire across Iraq; and

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RESOLUTION NO.94-2014 (CONTINUED)

WHEREAS, the acts of terror carried out by ISIS have now impacted America, with the death of journalist James Foley on August 19, 2014, and multiple other U.S. citizens being held captive in Iraq and suffering the same fate as the thousands of Assyrian and Iraqi Christians in the Middle East; and

WHEREAS, the Assyrian and Iraqi Christians of Yonkers have already demonstrated in both Washington, D.C. and the United Nations to raise awareness of this tragedy, and look to people around the world to recognize these atrocities and support all future efforts to bring them to an end;

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Yonkers pause in its deliberations to express solidarity with the Assyrian and Iraqi Christian community in their desperate struggle for religious freedom and dignity during this crisis;

AND BE IT FURTHER RESOLVED, that the Council of the City of Yonkers stands in solidarity with the Assyrian and Iraqi Christian community and calls upon all citizens of Yonkers and the world to respect their personal liberty and the right to practice their faith, and to condemn the aggressive invasion, persecution and religious purging at the hands of the Islamic State of Iraq and Syria;

AND BE IT FURTHER RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to the Yonkers Assyrian American Association, the Mar Mari Assyrian Church, Congressman Eliot Engel, Senator Charles E. Schumer, Senator Kirsten Gillibrand and the United Nations Human Rights Council.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 10, 2014 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
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RESOLUTION NO.95-2014

12A. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA AND BREEN:

RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS TO
PROCLAIM SEPTEMBER 2014 AS KINSHIP CARE MONTH IN THE
CITY OF YONKERS

WHEREAS, Kinship Care Month is observed in September in the State of New York which honors the commitment of grandparents and other relatives who provide stable environments to children who are members of their families; and

WHEREAS, It is the custom of this Legislative Body to assist in the increase of awareness of issues that may affect the residents of the City of Yonkers; and

WHEREAS, Kinship Care refers to the care of children by relatives who are not the natural parents and is considered a family preservation service to children who receive care by relatives other than the birth parents; and

WHEREAS, Approximately one-fourth of the children in out-of-home care are living with relatives, nearly 180,000 children who reside in the State of New York are being reared by relatives with over 130,000 of those caregivers being the grandparents; and

WHEREAS, Kinship Care differs from Foster Care and relatives are the preferred resource for children who are unable to reside with both parents or mother and father because this service maintains connections with biological families and provides a sense of belonging; and

WHEREAS, Kinship Care Month is designed to recognize and pay tribute to many relatives who privately provide care for and ensure the safety and wellbeing of children who for various reasons are unable to reside with their true parents; and

WHEREAS, Kinship Care Month seeks to emphasize that children who are reared by relatives may positively experience the nurture, care and love due to the genetic connection that is shared; and

WHEREAS, Kinship Care Month acknowledges the sacrifices made by grandparents and other relatives who offer security and continuity in

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RESOLUTION NO.95-2014 (CONTINUED)

the lives of children by providing the greatest opportunities in maintaining community ties and cultural heritage; and

WHEREAS, it is the sense of this Legislative Body to commend the participants in Kinship Care services and also the organizations that provide assistance through case management, support groups, counseling and legal services, emotional and mental wellness assessments and any other services necessary to respond to the needs of the kinship caregivers, the children and their families;

NOW, THEREFORE, BE IT RESOLVED, that this Legislative Body pause in its deliberations to commemorate September 2014 the celebration of Kinship Care Month in the City of Yonkers; and

BE IT FURTHER RESOLVED, that copies of this Resolution, suitably engrossed, be transmitted at events commemorating Kinship Care Month throughout the City of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 10, 2014 BY A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
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RESOLUTION NO.96-2014

12B. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA AND BREEN:

A Resolution of the CITY COUNCIL OF THE CITY OF YONKERS settling the litigation known as Yonkers pier development, inc., yonkers pier qalicb, llc, and the city of yonkers, plaintiffs against hcc caterers, inc., DEFENDANT.

WHEREAS, the City of Yonkers is one of the plaintiffs in an action captioned Yonkers Pier Development, Inc., Yonkers Pier QALICB, LLC and the City of Yonkers against HCC Caterers, Inc. (the "litigation"); and

WHEREAS, the litigation was filed in New York State Supreme Court, County of Westchester, bearing Index. No. 2013/54151; and

WHEREAS, the parties wish to settle this matter; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers that:

SECTION 1. The foregoing recitals are true and correct and incorporated herein as if set forth in full.

SECTION 2. The City Council of the City of Yonkers hereby approves the settlement of this litigation, with such modifications as the Corporation Counsel may determine necessary to effectuate the purpose and intent of any settlement agreement. The City Council of the City of Yonkers hereby authorizes and directs the Mayor or his/her designee to execute the final form of any settlement agreement for and on behalf of the City of Yonkers.

SECTION 3. The City of Yonkers City Council hereby authorizes and directs that the Mayor, or his/her designee, to execute any and all documents necessary to complete the transactions contemplated in the settlement agreement.

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RESOLUTION NO.96-2014

SECTION 4. This resolution shall take effect immediately

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A
STATED MEETING HELD ON WEDNESDAY, SEPTEMBER 10, 2014 BY
A VOTE OF 6-0. COUNCILMEMBER SHEPHERD WAS ABSENT.

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 8:45PM